

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR16-00228TSZ
)	
Plaintiff,)	ORDER GRANTING UNOPPOSED
)	MOTION TO CONTINUE TRIAL AND
vs.)	PRETRIAL MOTIONS DEADLINE
)	
JOSEPH GRUBBS,)	
)	
Defendant.)	

Defendant's Unopposed Motion to Continue Trial and Pretrial Motions

Deadline, docket no. 32, is GRANTED, and the Court FINDS that:

(a) taking into account the exercise of due diligence, the examination and evaluation of discovery, a failure to grant a continuance in this case would deny counsel for defendant the reasonable time necessary for effective preparation due to counsel's need for more time to engage in an expert to evaluate defendant, review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv), because defense counsel has indicated that she requires additional time to prepare for trial so that she and defendant can review, understand and investigate discovery provided by the government in order to evaluate and develop factual and legal issues, potential defenses, and pre-trial motions;

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE
TRIAL AND PRETRIAL
MOTIONS DEADLINE - 1
(Joseph Grubbs; CR16-00228TSZ)

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1 (c) the additional time requested is a reasonable period of delay, as defendant
2 has requested more time to prepare for trial, to investigate the matter, to gather evidence
3 material to the defense, and to consider possible defenses;

4 (d) the case is sufficiently complex that it is unreasonable to expect adequate
5 preparation for pretrial proceedings or the trial itself within the current trial schedule, as
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii);

7 (e) the ends of justice will best be served by a continuance, and the ends of
8 justice outweigh the best interests of the public and defendant in any speedier trial,
9 as set forth in 18 U.S.C. § 3161(h)(7)(A);

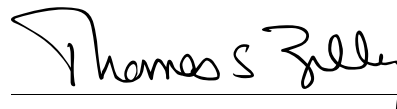
10 (f) the additional time requested between the current trial date of December 5,
11 2016, and the new trial date is necessary to provide counsel for defendant the
12 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
13 the facts set forth above; and

14 (g) the period of delay from the date of this order to the new trial date is
15 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

16 IT IS THEREFORE ORDERED that the trial date in this matter shall be
17 continued to February 6, 2017, and that pretrial motions shall be filed no later than
18 January 2, 2017.

19 The status hearing set for November 17, 2016, is STRICKEN.

20 DATED this 3rd day of November, 2016.

21
22 

23 Thomas S. Zilly
24 United States District Judge